

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ARVINDER KAUR, SP 2014-LE-038 Appl. under Sect(s). 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 5908 Dinwiddie St., Springfield, 22150, on approx. 9,040 sq. ft. of land zoned R-4. Lee District. Tax Map 80-3 ((2)) (16) 5. (Decision deferred from 7/9/14.) Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 10, 2014; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The Board has a staff recommendation of approval and adopts the rationale in the staff report.
3. The pending issues have generally been addressed since the public hearing, and with the imposition of the revised development conditions, any of the other impacts or pending problems have been addressed.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant only, Arvinder Kaur, and is not transferable without further action of the Board, and is for the location indicated on the application, 5908 Dinwiddie Street, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat titled, "House Location Survey, Lot 5, Blk. 16, Sec. 3, Springfield," prepared by Edward S. Holland, Professional Civil Engineer, dated June 23, 1952, as revised by Arvinder Kaur, through March 21, 2014, and approved with this application, as qualified by these development conditions.

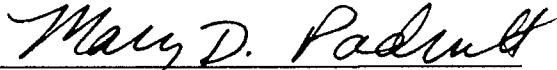
3. A copy of this special permit **SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY** of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. and 10:00 p.m., Sunday through Saturday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. The maximum number of assistants for the home child care shall be two.
8. There shall be no signage associated with the home child care facility.
9. A point of egress, which meets emergency escape and rescue openings requirements of the 2009 Virginia Residential Building Code, shall be installed in the sleeping room, as labeled as being "Room No. 2" on the floor plan in Attachment 1. **This egress shall be installed within 30 days of the approval of the special permit.**
10. A staircase handrail, which meets safety requirements of the Virginia Residential Building Code, shall be installed for the staircase leading from the rear yard to the basement entrance. **This handrail shall be installed and inspected within 30 days of the approval of the special permit.**
11. Within 12 months from the date of this hearing, the shed shall be moved or otherwise brought into compliance with the Fairfax County Zoning Ordinance, or a separate special permit shall be applied for and diligently pursued.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation of why additional time is required.

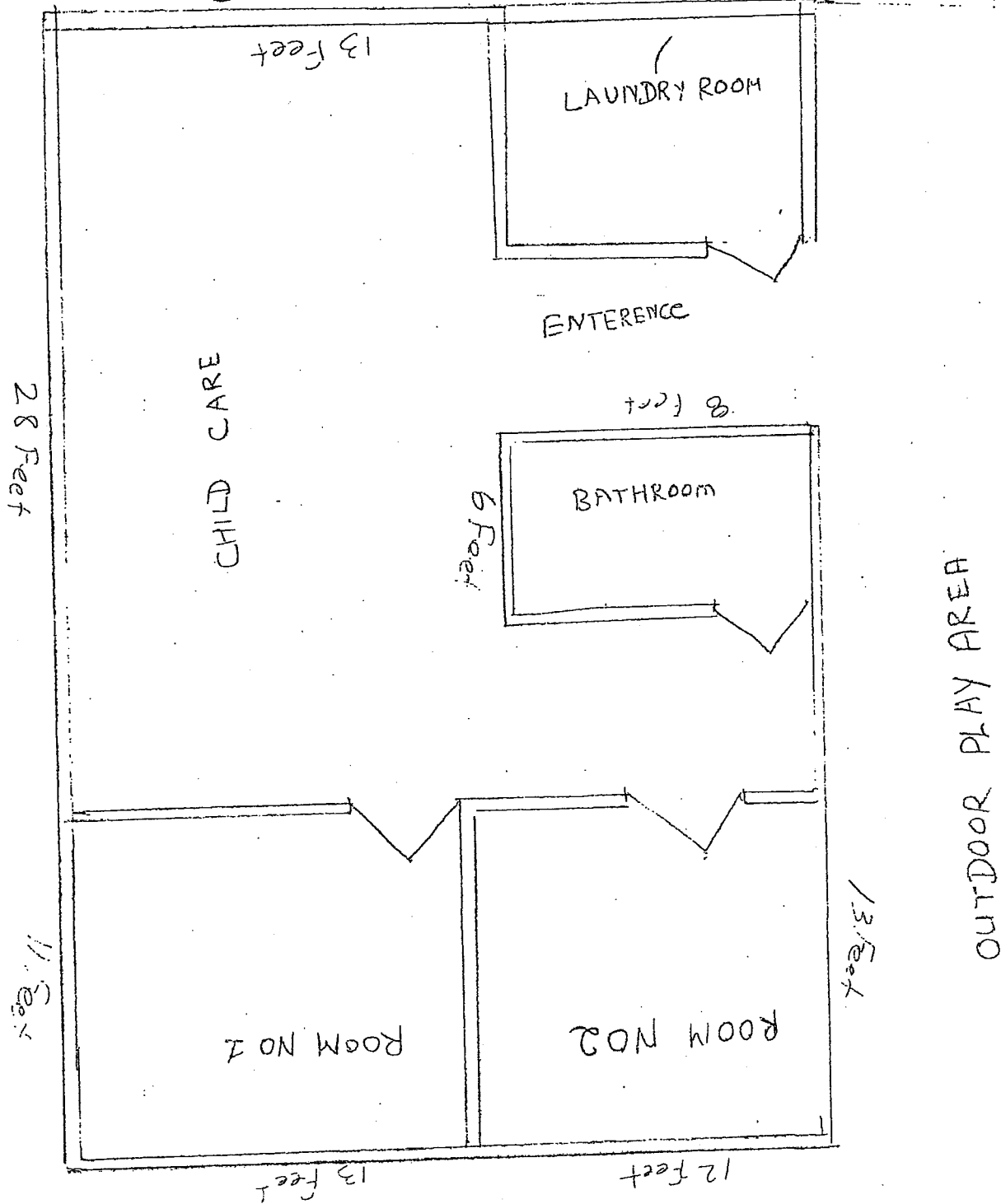
Ms. Theodore seconded the motion, which carried by a vote of 5-0. Chairman Ribble and Mr. Smith were absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Mary D. Padrutt". The signature is written in dark ink and is positioned above a horizontal line.

Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals

BASEMENT All this area is used for child care facility



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Department of Planning & Zoning
JAN 02
Zoning Evaluation Division